

RESOLUTION NO. R-2003-0559

RESOLUTION APPROVING ZONING PETITION DOA1997-086B  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF LINTON JOG ASSOC. II AND III, LTD.  
BY CHARLES W. MILLAR, AGENT  
(ADDISON CENTRE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1997-086B was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2003; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA 1997-086B, the petition of Linton Jog Assoc. II and III, Ltd., by Charles W. Millar, Jr., agent, for a Development Order Amendment to reconfigure master plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Absent
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 28 day of May, 2003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

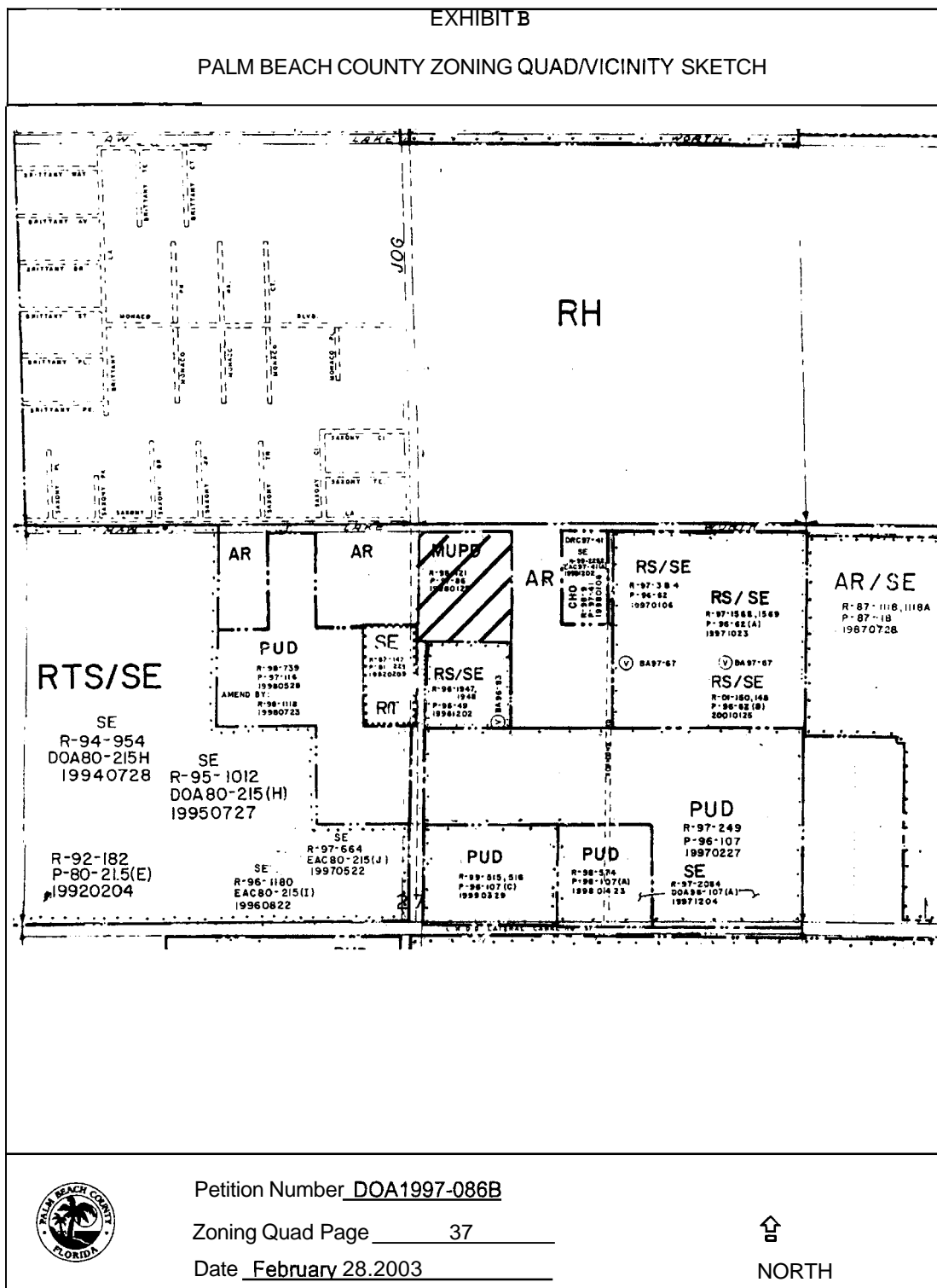
BY: [Signature]  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

All of the Plat of Addison Centre M.U.P.D., as recorded in Plat Book 85, Pages 83 to 85 of the Public Records of Palm Beach County, Florida, Section 27, Township 46 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



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Date February 28, 2003



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-0121 (Petition PDD97-086), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)
2. Previous condition A.1. of Resolution R-98-0121, Petition PDD97-086, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 4, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 18, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

#### B. ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:
  - a. Similar materials for the building facades;
  - b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.);
  - c. Similar colors; or,
  - d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (BLDG PRMT: BLDG – Zoning) (Previous condition B.1. of Resolution R-98-0121, Petition PDD97-086)
2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG – Zoning) (Previous condition B.2. of Resolution R-98-0121, Petition PDD97-086)
3. Previous condition B.3. of Resolution R-98-0121, Petition PDD97-086, which currently states:

The maximum height for all structures within the Multiple Use Planned Development (MUPD), measured from finished grade to highest point including air conditioning and mechanical equipment, shall not exceed thirty (30) feet, except for the two (2) buildings closest to the east property lines. These buildings may not exceed thirty-five (35) feet, measured from finished grade to highest point including air conditioning and mechanical equipment.

Is hereby amended to read:

The maximum height for the supermarket shall be thirty-five (35) feet. All other structures shall be limited to a maximum of thirty (30) feet in height. Building height shall be measured from finished grade to highest point. (BLDG PRMT: BLDG – Zoning)

4. There shall be no external ladders mounted on any building. (BLDG. PRMT: BLDG – Zoning) (Previous condition B.4. of Resolution R-98-0121, Petition PDD97-086)
5. Design of gutters and downspouts shall be integrated into the architectural design of all new or renovated buildings. Painting of the gutters and downspout shall not constitute architectural integration. (DRC: ARCH REV – Zoning)
6. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG – Zoning) (Previous condition C.1. of Resolution R-98-0121, Petition PDD97-086)
7. Condition C.2. of Resolution R-98-0121, Petition PDD97-086, which currently states:  
  
A maximum of one (1) satellite dish shall be allowed if completely screened from view of all right-of-ways and residential zoning districts. No roof mounted satellite dish shall be permitted unless completely screened from all sides by the roof parapet.  
  
~~Is~~ hereby deleted. [REASON: Screening addressed by Architectural Guidelines.]
8. Prior to final DRC certification of the preliminary development plan, all retention or detention areas within the LWDD right-of-way, north ninety (90) feet of the site, shall be relocated. (DRC: ZONING – LWDD) (Previous condition C.3. of Resolution R-98-0121, Petition PDD97-086)
9. The delivery/loading area for the supermarket shall be screened from view from the east and south property lines by a fourteen (14) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (DRC/CO: ZONING/BLDG – Zoning)
10. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to expand the loading dock covered canopy area to include the entire loading area. (DRC/CO: ZONING/BLDG – Zoning)
11. The trash compactor indicated on the southwest corner of the supermarket shall be fully enclosed with a wing wall a minimum of eight (8) feet in height to include a canopy or roof. All service openings and doorways shall be completely screened with decorative gates. The wing wall, canopy and gates shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. If this cannot be accomplished,

the service opening shall be re-oriented to face the interior of the loading area. (DRC/BLDG PRMT: ZONING/BLDG - Zoning)

12. The proposed grocery store shall be designed to be generally consistent with the façade elevations dated February 17, 2003. At time of submittal for final DRC approval, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan. (DRC: ARCH REVIEW – Zoning)

C. LANDSCAPING – STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous condition D.1. of Resolution R-98-0121, Petition PDD97-086)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Credit may be given for existing or relocated palms provided they meet current **ULDC** requirements. (CO: LANDSCAPE – Zoning) (Previous condition D.2. of Resolution R-98-0121, Petition PDD97-086)
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE – Zoning) (Previous condition D.3. of Resolution R-98-0121, Petition PDD97-086)
4. All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
  - d. This condition shall not apply where a single row of shrubs is required, including along either side of a fence or wall. (CO: LANDSCAPE – Zoning)
5. All new or replacement trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)

D. LANDSCAPING – INTERIOR

1. Previous condition F of Resolution R-98-0121, Petition PDD97-086, which currently states:

**Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:**

- a. **The minimum width of the required landscape areas shall be five (5) feet;**
- b. **The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,**
- c. **Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover.**

Is hereby amended to read:

Foundation plantings or grade level planters shall be provided along all sides of the supermarket and office building, to consist of the following:

- a. The minimum width of the required landscaped areas shall be upgraded to eight (8) feet in width for the front facade of the supermarket and on all sides of the office building, and five (5) feet in width for all other areas;
  - b. The minimum length of the required landscaped areas shall be upgraded to no less than fifty (50%) percent of the front facade of the supermarket, and all sides of the office building; and, seventy-five (75%) of the west facade of the supermarket;
  - c. The foundation planting required for the rear of the supermarket shall be located adjacent to the required loading area screening area;
  - d. Landscape areas shall be planted with a minimum of one (1) tree or palm for every twenty (20) linear feet of required foundation planting area, and appropriate ground cover; and,
  - e. Fifty (50%) of the required trees or palms for the north and west facades of the supermarket shall be Medjool or Royal palms, or other similar specimen palms, subject to approval by the Zoning Division. (DRC/CO: ZONING/LANDSCAPE – Zoning)
2. Landscaping for the divider median in the western access driveway at Jog Road, the median along the east side of the access driveway at Linton Boulevard, and on both sides of the access way located at the southwest corner of the supermarket, shall consist of the following:
    - a. One (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
    - b. One (1) Medjool or Royal palm, or other similar specimen palms, subject to approval by the Zoning Division, for each thirty-five (35) linear feet of the median; and,
    - c. A continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
  3. Landscaping for terminal islands in the supermarket parking lot shall consist of the following:
    - a. Two (2) canopy trees with one (1) flowering tree per island or two (2) canopy trees with one (1) palm;
    - b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches; and,



- c. Tree and shrub planting may be exempted in areas where light pole, fire hydrant, above or underground utilities are located. (CO: LANDSCAPE – Zoning)
4. Landscaping in the divider median in the center of the grocery store parking lot shall be shall be landscaped with the following:
    - a. A minimum of three (3) trellises or shaded structures shall be provided. Each structure shall be a minimum of five (5) feet in width and fifty (50) feet in length. Vines shall be planted adjacent to each structure;
    - b. A minimum four (4) foot wide pedestrian walkway paved with decorative pavers;
    - c. One shrub for each two (2) linear feet of the length of the median. Shrub shall be a minimum height of eighteen (18) inches at installation, and shall be maintained at a maximum height of thirty (30) inches; and,
    - d. Prior to final DRC approval of the site plan, the petitioner shall revise the site plan to reflect the locations of the required trellises or shaded structures. (DRC/CO:ZONING/LANDSCAPE – Zoning)
  5. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to indicate a focal point in the landscape divider median at the eastern terminus of the common drive. The focal point shall include a decorative fountain; gazebo; trellis or other shaded structure with planted vines; arcade; or, other similar pedestrian amenity subject to approval by the Zoning Division. (DRC/CO: ZONING/LANDSCAPE – Zoning)
  6. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to require decorative pavers for all parking stalls fronting the proposed grocery store. Pavers shall be the same as or consistent with those provided for all other walkways and pedestrian crosswalks for the grocery store. (DRC/BLDG PRMT: ZONING/BLDG – Zoning)

E. ENGINEERING

1. As required by the County Engineer and the Lake Worth Drainage District, prior to the issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Linton Boulevard at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips". Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PRMT: MONITORING – Eng) (Previous condition E.1.of Resolution R-98-0121, Petition PDD97-086)
2. The Property owner shall construct a right turn lane west approach on Linton Boulevard at the projects entrance road.
  - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building

Permit. (BLDG PRMT: MONITORING – Eng)

- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng) (Previous condition E.2. of Resolution R-98-0121, Petition PDD97-086)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

- a. Prior to issuance of a building permit the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of **Linton Boulevard**. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (TC: ENG – Eng) (Previous condition E.3.A. of Resolution R-98-0121, Petition PDD97-086)
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: ENG) (Previous condition E.3.B. of Resolution R-98-0121, Petition PDD97-086)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of the first building permit to reflect this obligation. (PLAT: ENG – Eng) (Previous condition E.3.C. of Resolution R-98-0121, Petition PDD97-086)

- 4. Prior to the issuance of a building permit, the property owner shall obtain at the property owners expense from the Lake Worth Drainage District additional road right-of-way for the construction of a right turn lane on Linton Boulevard at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer and permitted by the Lake Worth Drainage District. If the Lake Worth Drainage District does not permit the acquisition of this right of way by the property owner, then this property owner shall be relieved

from this condition. This additional right-of-way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING – Eng) (Previous condition E.4. of Resolution R-98-0121, Petition PDD97-086)

5. Construction of the projects exit only onto Linton Boulevard is approved as a temporary exit only. Use of this driveway shall be discontinued and shall then be removed by the property owner when a cross access is constructed with the adjacent parcel to the east. (ONGOING: CODE ENF – Eng)
6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)

F. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip; and
  - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment, which is compatible and harmonious with abutting development. (CO: LANDSCAPE – Zoning) (Previous condition G.1. of Resolution R-98-0121, Petition PDD97-086)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
  - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE – Zoning) (Previous condition G.2. of Resolution R-98-0121, Petition PDD97-086)
3. Previous condition G.3. of Resolution R-98-0121, Petition PDD97-086, which currently states:

Along the interior side of the required wall, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.  
Is hereby amended to read:

Along the interior side of the required wall in the south two-hundred (200) feet of the east property line, and the east two-hundred (200) feet of the south property line, the property owner shall install one (1) medium shrub,

spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. Shrub shall be a minimum of twenty-four (24) inches in height at installation. (CO: LANDSCAPE – Zoning)

4. The following landscaping requirements shall be installed on the interior side of the required wall in the north 405 feet of the east property line and the west 405 feet of the south property line:
  - a. One (1) native canopy, flowering or multi-trunk tree for each twenty (20) linear feet of the property line;
  - b. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - c. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - d. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ALONG LINTON BOULEVARD AND JOG ROAD)

1. Previous condition H. I. of Resolution R-98-0121, Petition PDD97-086, which currently states:

**Landscaping and buffering along the above property lines shall be upgraded to include:**

- a. **A minimum twenty (20) foot wide landscape buffer strip;**
- b. **A minimum one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb;**
- c. **One (1) canopy tree planted every twenty (20) feet on center;**
- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,**
- e. **Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.**

Is hereby amended to read:

Landscaping along the north and west property lines, less the east 250 feet of the north property line, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A minimum one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb;
  - c. One (1) native canopy tree for each twenty (20) feet of the property line;
  - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Credit may be given for existing pine trees and existing/relocated palm trees;
  - e. One (1) medium shrub for each two (2) linear feet of property line, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Shrub shall be a minimum of twenty-four (24) inches at installation. (CO: LANDSCAPE – Zoning)
2. Landscaping and buffering along the east 250 feet of the north property line, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb;
- c. One (1) native canopy tree for each twenty (20) feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Credit may be given for existing pine trees and existing/relocated palm trees;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.  
(CO: LANDSCAPE – Zoning)

H. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous condition L.1.of Resolution R-98-0121, Petition PDD97-086)
- 2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point and setback a minimum of twenty-five (25) feet from adjacent residentially zoned property lines. (CO: BLDG – Zoning) (Previous condition L.2.of Resolution R-98-0121, Petition PDD97-086)
- 3. All outdoor lighting shall be extinguished no later than **10:00 p.m.**, excluding the lighting for the freestanding **pharmacy/drug** store at the northwest corner of the site and security lighting only. (ONGOING: CODE ENF – Zoning) (Previous condition L.3.of Resolution R-98-0121, Petition PDD97-086)
- 4. The lighting conditions above shall not apply to proposed security or low voltage **landscape/accent** type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning) (Previous condition L.4.of Resolution R-98-0121, Petition PDD97-086)

I. LWDD

- 1. Prior to final DRC certification, a piping, paving and planting agreement shall be approved by the LWDD, the Zoning Division and the County Attorney’s office for the site improvements within the ninety (90) foot LWDD right-of-way (ORB 8854, Pages **1333-1350**). A copy of the recorded document shall be submitted to the Zoning Division prior to DRC certification. (DRC: ZONING – LWDD) (Previous condition J.1.of Resolution R-98-0121, Petition PDD97-086)
- 2. Prior to the issuance of the building permit for each building, written confirmation from the LWDD regarding the validity of the piping, paving and planting agreement shall be provided to the Zoning Division. (BLDG PERMIT: ZONING – Zoning) (Previous condition J.2. of Resolution R-98-0121, Petition PDD97-086)

3. The property owner must comply with all ULDC provisions if the piping, paving and planting agreement is revoked. Compliance may result in the reduction of building area or obtaining a variance from the Board of Adjustment for the required improvements. (ONGOING: CODE ENF – Zoning) (Previous condition J.3. of Resolution R-98-0121, Petition PDD97-086)

J. MAINTENANCE

1. Condition K.I of Resolution R-98-0121, Petition PDD97-086, which currently states:

All loading areas shall be clean and well maintained

Is hereby deleted. [REASON: Code requirement.]

K. MUPD

1. Previous condition L.I . of Resolution R-98-0121, Petition PDD97-08, which currently states:

To ensure consistency with the site plan dated November 4, 1997 presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered.

Is hereby deleted. [REASON: No longer applicable.]

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING – Co Att) (Previous condition L.3. of Resolution R-98-0121, Petition PDD97-086)
3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING – Co Att) (Previous condition L.4. of Resolution R-98-0121, Petition PDD97-086)

L. PLANNING

1. Previous condition M.1. of Resolution R-98-0121, Petition PDD97-086, which currently states:

The property shall be limited to the following uses pursuant to the Declaration of Restrictions as recorded in ORB 9624 PAGE 1022, Public Records of Palm Beach County:

- a) Bookstore
- b) Office Building(s) (medical or non-medical uses or combination thereof)
- c) Bank and/or other types of general financial institutions (e.g. brokerage)

- d) **Medical Supply Store/Retail**
- e) **Drug Store (free standing)**
- f) **Florist**
- g) **HMO or similar type of clinic**
- h) **Post Office**
- I) **Adult Day Care**
- j) **Computer Retailer (ONGOING: PLANNING)**

Is hereby amended to read:

The property shall be limited to the following uses pursuant to the Declaration of Restrictions as previously recorded in ORB 9624 PAGE 1022, Public Records of Palm Beach County, which was presented and accepted with modifications by the Board of County Commissioners on August 22, 2002 and will be re-recorded subsequent to the April 24, 2003 Board of County Commissioners Zoning Hearing:

- a. Beauty/Hair Care salon;
  - b. Bookstore (non-adult);
  - c. Computer Retailer;
  - d. Daycare Center, limited and general;
  - e. Freestanding Drugstore with drive-thru;
  - f. Dry cleaning drop off and pick up (no processing or cleaning on site);
  - g. Financial institution;
  - h. Florist;
  - i. Government Services (Class A Conditional Use);
  - j. Hospital or medical center;
  - k. Jewelry Store;
  - l. Mail Box Etc., Pack N Ship, or similar type use;
  - m. Medical Supply Store/Retail;
  - n. Medical Rehabilitation Center;
  - o. Office, business, professional, medical or dental clinic;
  - p. Printing and copying services;
  - q. Grocery Store / Supermarket;
  - r. Veterinary Clinic; and,
  - s. Clothing Store. (ONGOING: PLANNING – Planning)
2. Prior to January 1, 2005, or pursuant to implementation of Condition E.5, the site plan shall be amended to relocate the parking spaces that block the cross access connection to the former location of the temporary driveway (exit only). The parking stall striping shall be reconfigured accordingly. (DATE/ONGOING: MONITORING/PLANNING – Planning)
  3. Prior to final site plan certification by the Development Review Committee (DRC), the property owner shall record a cross access easement from the subject property to the parcel to the east in a form acceptable to the County Attorney. (DRC: CO ATT – Planning)
  4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan, which reads “proposed vehicular and pedestrian cross access/stub street”. (CO: MONITORING/BUILDING – Planning)

#### M. SIGNS

1. Condition N.1. of Resolution R-98-0121, Petition PDD97-086, which currently states:

**No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public’s attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs,**

electronic message boards, etc., shall not be permitted on-site.

Is hereby deleted. [Reason: Code requirement.]

2. Condition N.2. of Resolution R-98-0121, Petition PDD97-086, which currently states:

No off-premise signs or relocated billboards shall be permitted on the site.

Is hereby deleted. [Reason: Code requirement and conflicts with billboard settlement agreement.]

3. All freestanding signs ( **i.e.** point of purchase, entrance wall and directory) fronting on Jog Road shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet for sign closest to south property line and 80 square feet for sign at northern entrance driveway (Common Drive) from Jog Road;
- c. Maximum number of signs - Two (2);
- d. Style - Monument style only ; and,
- e. Location - 100' north of the south property line for the 100 square foot sign and within 25' of the northern access driveway (Common Drive) from Jog Road for the 80 square foot sign. (CO: BLDG – Zoning) (Previous condition N.3. of Resolution R-98-0121, Petition PDD97-086)

4. All freestanding signs ( **i.e.** point of purchase, entrance wall and directory) fronting on Linton Boulevard shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet for sign closest to east property line and 80 square feet for sign at entrance driveway from Linton Boulevard;
- c. Maximum number of signs - Two (2);
- d. Style - monument style only; and,
- e. Location - 80' west of the east property line for the 100 square foot sign and within 25' of the access driveway from Linton Boulevard for the 80 square foot sign. (CO: BLDG – Zoning) (Previous condition N.4. of Resolution R-98-0121, Petition PDD97-086)

5. The freestanding sign (**i.e.** point of purchase, entrance wall and directory) fronting on the northwest corner of the site (intersection of Linton Boulevard and Jog Road) shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - One (1); and,
- d. Style - Monument style only. (CO: BLDG – Zoning) (Previous condition N.5. of Resolution R-98-0121, Petition PDD97-086)

6. Wall signage mounted on buildings and drive-thru canopies shall be limited as follow:

- a. Maximum sign area of 100 square feet per sign;
- b. Location - North and west building facades only ; and,



- c. Maximum number of signs - One (1) per facade of each building. (CO: BLDG – Zoning) (Previous condition N.6. of Resolution R-98-0121, Petition PDD97-086)

N. USE LIMITATIONS

1. Previous condition 0.1 of Resolution R-98-0121, Petition PDD97-086, which currently states:

Use of the site shall be limited to the following:

- a. 91,960 square feet of professional office;
- b. 5,400 square feet of financial institution with drive thru lanes; and,
- c. 15,120 square feet of retail **pharmacy/drug** store with drive thru lanes.

~~Is hereby deleted.~~ [REASON: No longer applicable.]

2. Hours of operation, including deliveries, shall be limited to **6:00 a.m.** to **10:00 p.m.** daily, excluding the freestanding **pharmacy/drug** store at the northwest corner of the site. (ONGOING: CODE ENF – Zoning) (Previous condition 0.2. of Resolution R-98-0121, Petition PDD97-086)

3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of buildings, parking lots or access ways of the site. (ONGOING: CODE ENF – Zoning) (Previous condition 0.3. of Resolution R-98-0121, Petition PDD97-086)

4. Condition 0.4. of Resolution R-98-0121, Petition PDD97-086, which currently states:

No Repair or maintenance of vehicles shall be permitted on site.

~~Is hereby deleted.~~ [Reason: Not applicable.]

5. No outdoor retail business activities, excluding deliveries, shall be permitted on site. (ONGOING: CODE ENF – Zoning) (Previous condition 0.5. of Resolution R-98-0121, Petition PDD97-086)

6. The freestanding **pharmacy/drug** store shall be located at the northwest corner of the site. (DRC: ZONING – Zoning) (Previous condition 0.6. of Resolution R-98-0121, Petition PDD97-086)

7. No beer, wine, or liquor sales shall be allowed on the site after **10:00 p.m.** daily. (ONGOING: CODE ENF – Zoning) (Previous condition 0.7. of Resolution R-98-0121, Petition PDD97-086)

8. Previous condition L.2. of Resolution R-98-0121, Petition PDD97-08, which currently states:

Overnight storage or parking of delivery vehicles, trucks or trailers shall not be permitted on site, except within designated loading and delivery areas.

~~Is hereby amended to read:~~

Overnight storage or parking of delivery vehicles, trucks or trailers shall not be permitted on site, except within designated loading and delivery areas. Truck engines (including refrigeration units) shall not be operated between 10:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF – Zoning)

O. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING – Zoning)
2. Previous condition P.I. of Resolution R-98-0121, Petition PDD97-08, which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning)